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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,437	12/17/2003	Daniel G. Wolfe	3432.2.2.1	8807
21552	7590	06/14/2006	EXAMINER	
MADSON & AUSTIN GATEWAY TOWER WEST SUITE 900 15 WEST SOUTH TEMPLE SALT LAKE CITY, UT 84101			POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/738,437	Applicant(s) WOLFE ET AL.	
	Examiner DARYL C. POPE	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/3/06; 5/15/06</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

ART REJECTION:

Claim Rejections - 35 USC § 103

2. Claims 1-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kail, IV(Kail) in view of Hoffman et al(Hoffman).

-- Claims 1-71 are rejected by Kail in view of Hoffman for the reasons of record as discussed in the previous office action. Furthermore, the claimed monitoring the area proximate the portable property is also met by Kail, since Kail teaches that the sensors(28) consist of sensors such as meteorological, seismic, chemical, electromagnetic, etc., thereby implying that the area proximate to the portable property would have also been monitored, since a meteorological or seismic sensor would not have been necessary in order to monitor the portable property itself.

REMARKS:

Response to Arguments

3. Applicant's arguments filed 5/3/2006 have been fully considered but they are not persuasive.

Applicant is arguing that none of the prior art of record reads on the claimed subject matter because the prior art is primarily directed to monitoring of humans and inanimate objects, and do not teach monitoring surroundings proximate the portable

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property. But as stated in the art rejection above, the examiner deems that the reference to Kail does teach monitoring areas proximate to the portable property.

For example, why would the automatic sensors of Kail(28) include sensors such as meteorological, seismic, motion, etc. sensors if an area proximate the monitored subject were not as well intended to be monitored? Seismic and meteorological sensors could not possibly monitor a subject or inanimate object, and therefore are intended to monitor areas proximate to the portable property in a manner that reads on the claimed subject matter. In view of this, the applicant's argument is not deemed persuasive.

With regards to applicant's traversal of the examiner's rejection under Official Notice, the examiner deems that this traversal is not sufficient to require the examiner to produce documentary evidence to support examiner's official notice. Furthermore, in accordance with the MPEP 2144.03 sec. (C), ***"to adequately traverse such a finding, an applicant must specifically point out a supposed error in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well known in the art"***. Furthermore, the applicant appears to be relying on amendments to overcome any rejection and therefore has not demanded evidentiary support for the Official Notice. In the absence of any demand for the examiner to produce authority for his statement, the traversal shall not be considered.

Conclusion

4. This is a RCE of applicant's earlier Application No. 10/738,437. All claims are drawn to the same invention claimed in the earlier application and could have been

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finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MIKE HORABIK can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

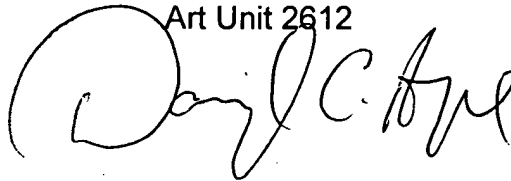
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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daryl C. Pope

June 10, 2006

DARYL C POPE
Primary Examiner
Art Unit 2612

A handwritten signature in black ink, appearing to read "Daryl C. Pope", is written over the printed name and title.